

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 23, 1999**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., and S. Beaux, Deputy Clerk.

Each of the following:

B110820 People v. Aldana  
B119461 People v. Fraise  
B119557 People v. Campbell  
B119905 People v. Halfon  
B120180 People v. Barnes  
B120319 People v. Vega  
B120401 People v. Sims  
B120479 DCFS v. Cheryl S.  
B120595 People v. Ramirez  
B122138 People v. Sanchez et al.  
B122292 People v. Henderson  
B122950 People v. Adrian T.  
B122974 In re Andrew C.  
B123019 People v. Garcia  
B123981 People v. Gustavo R.  
B124180 People v. David S.  
B124364 People v. Eulloqui  
B124581 People v. Travon W.  
B125669 People v. Olave  
B128722 Sherman D. v. SCLA

Argument waived, cause submitted.

DIVISION ONE (Continued)

B123719     The People  
              v.  
              Languein

Merits:

Argued by Allen Weinberg for appellant and by Lauren Dana, deputy attorney general, for respondent. Counsel waives the presence of Justice Masterson. Cause submitted.

B123826     The People  
              v.  
              Clark

Merits:

Argued by Dave Campbell, deputy district attorney, for appellant and by Alex Ricciardulli, deputy public defender, for respondent. Cause submitted.

B119490     The People  
              v.  
              Miranda

Merits:

Argued by Susan E. Nash for appellant and by G. Tracey Letteau, deputy attorney general, for respondent. Cause submitted.

B124203     Usmany  
              v.  
              Esacove

Merits:

Argued by Joe A. Dickerson for appellant and by Jeffrey B. Singer for respondent. Cause submitted.

DIVISION ONE (Continued)

B127415     Hecker  
              v.  
              SCLA  
              (Potoka-Moore, r.p.i.)

Merits:

Argued by Daniel Schuch for real party in interest and by Mark Kane for petitioner. Cause submitted.

B117691     The People  
              v.  
              Lopez

Merits:

Argued by Robert W. Gehring for appellant and by Peggine J. Bradford, deputy attorney general, for respondent. Counsel waives the presence of Justice Masterson. Cause submitted.

B123675     Northern California Children's Home, Inc. et al.  
              v.  
              Travelers Casualty & Surety Company

Merits:

Argued by Basil G. Dezes for appellants and by Kristin E Meredith for respondent. Counsel waives the presence of Justice Masterson. Cause submitted.

B112390     Heron  
              v.  
              Smith

Merits:

Argued by David M. Robinson for appellant and by Robert Peter Weiss for respondent. Cause submitted.

Spencer, P.J. leaves the bench.

DIVISION ONE (Continued)

B113383 Carmel Valley Fire Protection Dist. et al.  
v.  
State of California et al.

Merits:

Argued by Carol B. Sherman for appellants and by Allen Summer for  
respondent State of Calif. Counsel waives the presence of Justice  
Masterson. Cause submitted.

Court adjourned.

B120401 People (Not for Publication)  
v.  
Sims

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B120180 People (Not for Publication)  
v.  
Barnes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

March 23, 1999-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed and the cause is remanded to the trial court with directions to issue an abstract of judgment corrected to reflect the fine that was imposed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B120479      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Cheryl S.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B121362 People (Not for Publication)  
v.  
Ballard

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

March 23, 1999-Continued

## DIVISION ONE (Continued)

B126017      People  
v.  
SCLA  
Johannes

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B114177 People (Not for Publication)  
v.  
Caballero

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B119561 People (Not for Publication)  
v.  
Perez

We reversed and remand the matter to the trial court to modify the abstract of judgment to reflect a five-year enhancement term for section 12022.55. The trial court shall send the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

DIVISION THREE

[illegible]

The judgment of conviction is modified by imposing a \$200 fine pursuant to Penal Code section 1202.4 and an additional \$200 fine as required by Penal Code section 1202.45. The Clerk of the Superior Court is ordered upon issuance of the remittitur to prepare a correct abstract of judgment reflecting this court's modification of the judgment. In all other respects, the judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Petersen, J. (Assigned)

B119236 Christopher D. Boyle (Certified for Partial Publication)  
v.  
City of Redondo Beach, et al.

The order awarding attorney fees to the City of Redondo beach defendants is reversed and the matter is remanded to the trial court for reentry, with adequate justification, of that order. The motion by Michael Leslie and by the law firm of Hedges & Caldwell for attorney fees and costs on appeal is granted and the matter is remanded to the trial court, upon proper application, for determination of the amount thereof. The judgment is affirmed in all other respects. Costs on appeal in favor of defendants.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

March 23, 1999-Continued

DIVISION SIX

B121102      Hutchings                          (Not for Publication)  
v.  
Hurtado et al.

The judgment is affirmed. Hutchings shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B117894 Meza (Not for Publication)  
v.  
Robertson

The judgment is affirmed. Appellant shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B122874 People (Not for Publication)  
v.  
Fuentes

The judgment is amended to reflect a \$500 restitution fine pursuant to section 1202.4. In all other respects, the judgment is affirmed.

Burke, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.



March 23, 1999-Continued

## DIVISION SIX (Continued)

B126255 People v. Ramey (Not for Publication)

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B120728 People (Not for Publication)  
v.  
Jaime L.

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

B120219 Moore (Not for Publication)  
v.  
State of California

The judgment is affirmed. Costs are awarded to respondents.

Burke, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                       Yegan, J.

March 23, 1999-Continued

DIVISION SIX (Continued)

B122557      Taft      (Not for Publication)  
v.  
Taft

The orders are affirmed. Appellant shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SEVEN

B117932      People  
v.  
Sanders

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B124955 Woods-Gray (Not for Publication)  
v.  
Murray

The judgment of the trial court is affirmed. Respondent shall recover his costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.  
Woods, J.

March 23, 1999-Continued

## DIVISION SEVEN (Continued)

B125532 People (Not for Publication)  
v.  
Ramirez

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.